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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/814,877

03/31/2004

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LCB425

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32915 7590 06/05/2007
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EXAMINER

FIGUEROA, FELIX O

ART UNIT

PAPER NUMBER

2833

MAIL DATE

DELIVERY MODE

06/05/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/814,877

Applicant(s)

CAVENEY ET AL.

Examiner

Felix O. Figueroa

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-39, 44, 46 and 47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-39, 44, 46 and 47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 17, 23-28, 31, 33-36 and 44 are rejected under 35 U.S.C. 102(b) as being anticipated by Sanchez et al. (US 6,086,415).

Sanchez discloses a patch panel comprising: a frame (24,90,92) having a top flange and a bottom flange, the frame including a plurality of faceplate openings (at 66); a faceplate (22) mountable to the frame within the top flange and the bottom flange, the faceplate having a plurality of mounting openings (at 32) and each mounting opening having at least one modular jack retention latch (at 44) protruding within the mounting opening; and at least one modular jack (28) mountable into a rear side of the faceplate.

Regarding claim 23, Sanchez discloses the frame having a plurality of first mounting apertures (102) at a first end thereof and a plurality of second mounting apertures at a second end thereof.

Regarding claim 24, Sanchez discloses the faceplate being releasably mounted on the frame.

Regarding claim 25, Sanchez discloses the faceplate being mounted into a rear side of the frame.

Regarding claim 26, Sanchez discloses the faceplate having a top flange with a retention latch and a bottom flange with a retention latch.

Regarding claim 27, Sanchez discloses the top flange of the faceplate has at least one release arm.

Regarding claim 28, Sanchez discloses the faceplate having four mounting openings.

Regarding claims 31, Sanchez discloses mounting opening includes a plurality of modular jack stops (perimeter walls) that define a lateral position of the modular jack;

Regarding claim 33, Sanchez discloses the faceplate having eight modular jack mounting positions.

Regarding claim 34, Sanchez discloses each modular jack mounting position including a plurality of modular jack stops.

Regarding claim 35, Sanchez discloses each modular jack being releasably mounted to the faceplate.

Regarding claim 36, Sanchez discloses each modular jack being mounted to the faceplate in the same orientation.

Regarding claim 44, Sanchez discloses a method of assembling a patch panel comprising the steps of: providing a frame (24) having a top flange and a bottom flange, the frame including a plurality of faceplate openings; mounting a faceplate (22) having a plurality of mounting openings within the top flange and the bottom flange, each mounting opening having at least one modular jack retention latch protruding within the

mounting opening; and mounting at least one modular jack (28) into a rear side of the faceplate.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 17-20, 22-28, 30-37, 39, 44, 46 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Curry et al. (US 6,053,764) in view of Arnett (US 5,238,426).

Curry discloses a patch panel comprising: a frame (12) having a top flange and a bottom flange, the frame including a plurality of faceplate openings (23); a faceplate (14) mountable to the frame within the top flange (at 29) and the bottom flange (at 33), the faceplate having a plurality of mounting openings (at 16) and at least one modular jack retention latch (51, Fig.4); and at least one modular jack (17) mountable into a rear side of the faceplate.

Curry discloses substantially the claimed invention except for a retention latch for each mounting opening. Arnett teaches a faceplate (30) having a mounting opening (16) and the mounting opening having at least one modular jack retention latch (59) to hold the connector secured to the faceplate. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to form each

mounting opening of the faceplate with a retention latch, as taught by Arnett, to provide a stronger and more secure retention of the jacks to the faceplate.

Regarding claim 18, Curry, as modified, discloses substantially the claimed invention except for the specific number of faceplates. However, it would have been an obvious matter of design preference to form the frame with any specific number of faceplates, in order to meet environmental and /or preference requirements, and since applicant has not disclosed that such number of faceplate solves any stated problem or is for any particular purpose.

Regarding claim 19, Curry, as modified, discloses the top flange of the frame having a plurality of apertures (27,28) and the bottom flange having a plurality of second apertures (31-32).

Regarding claim 20, Curry, as modified, discloses at least one of the first apertures receives at least one first faceplate retention latch (34,36), and at least one of the second apertures receives at least one second faceplate retention latch (37,38).

Regarding claim 22, Curry, as modified, discloses the frame includes indicia (not labeled, see Fig. 1 and 2) centered above each modular jack position.

Regarding claim 23, Curry, as modified, discloses the frame has a plurality of first mounting apertures (41) at a first end thereof and a plurality of second mounting apertures (41) at a second end thereof.

Regarding claim 24, Curry, as modified, discloses the faceplate being releasably mounted to the frame.

Regarding claim 25, Curry, as modified, discloses the faceplate being mounted into a rear side of the frame.

Regarding claim 26, Curry, as modified, discloses the faceplate has a top flange including at least one first faceplate retention latch (34,36) and a bottom flange including at least one second faceplate retention latch (37,38).

Regarding claim 27, Curry, as modified, discloses the top flange of the faceplate has at least one release arm (supporting the latch end).

Regarding claim 28, Curry, as modified, discloses the faceplate having (at least) four mounting openings (16).

Regarding claim 30, Curry, as modified by Arnett, discloses each mounting opening includes two modular jack retention latches (59).

Regarding claims 31 and 32, Curry, as modified by Arnett, discloses mounting opening includes a plurality of modular jack stops (perimeter walls) that define a lateral position of the modular jack; and the plurality of modular jack stops being disposed along a bottom flange of the faceplate.

Regarding claim 33, Curry, as modified, discloses substantially the claimed invention except for the specific number of jack mounting positions. However, it would have been an obvious matter of design preference to form the frame with any specific number of jack mounting positions, in order to meet environmental and /or preference requirements, and since applicant has not disclosed that such number of jack mounting positions solves any stated problem or is for any particular purpose.

Regarding claim 34, Curry, as modified by Arnett, discloses each modular jack mounting position including a plurality of modular jack stops (where protrusions 66 of Arnett abut).

Regarding claim 35, Curry, as modified, discloses the modular jack being releasably mounted to the faceplate.

Regarding claim 36, Curry, as modified, discloses each modular jack being mounted to the faceplate in the same orientation.

Regarding claim 37, Curry, as modified, discloses each modular jack is slidingly installed along a linear path into a mounted position in the faceplate.

Regarding claim 39, Curry, as modified, discloses substantially the claimed invention except for the specific number of jacks. However, it would have been an obvious matter of design preference to form the frame with any specific number of jacks within a rack unit, in order to meet environmental and /or preference requirements, and since applicant has not disclosed that such number of jack mounting positions solves any stated problem or is for any particular purpose.

Regarding claim 44, Curry discloses a method of assembling a patch panel comprising the steps of: providing a frame (12) having a top flange and a bottom flange, the frame including a plurality of faceplate openings (23); mounting a faceplate (14) having a plurality of mounting openings (16) within the top flange and the bottom flange, and mounting at least one modular jack (17) into a rear side of the faceplate.

Curry discloses substantially the claimed invention except for a retention latch for each mounting opening. Arnett teaches a faceplate (30) having a mounting opening

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(16) and the mounting opening having at least one modular jack retention latch (59) to hold the connector secured to the faceplate. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to form each mounting opening of the faceplate with a retention latch, as taught by Arnett, to provide a stronger and more secure retention of the jacks to the faceplate.

Regarding claim 46, Curry discloses the modular jack being slidably installed along a linear path into a mounted position in the faceplate.

Regarding claim 47, Curry discloses mounting the patch panel (by 41) to a network rack.

Claims 21 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Curry in view of Arnett, and further in view of Rutkowski et al. (US 5,639,261).

Curry, as modified, discloses substantially the claimed invention except for the center bar. Rutkowski teaches the use of a center bar in order to define vertically aligned faceplate opening and thus reduce the total assembly time for the patch panel. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to form the patch panel of Curry with a center bar, as taught by Rutkowski, to define vertically aligned faceplate opening and thus reduce the total assembly time for the patch panel.

Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Curry in view of Arnett, and further in view of Gutierrez et al. (US 6,585,540).

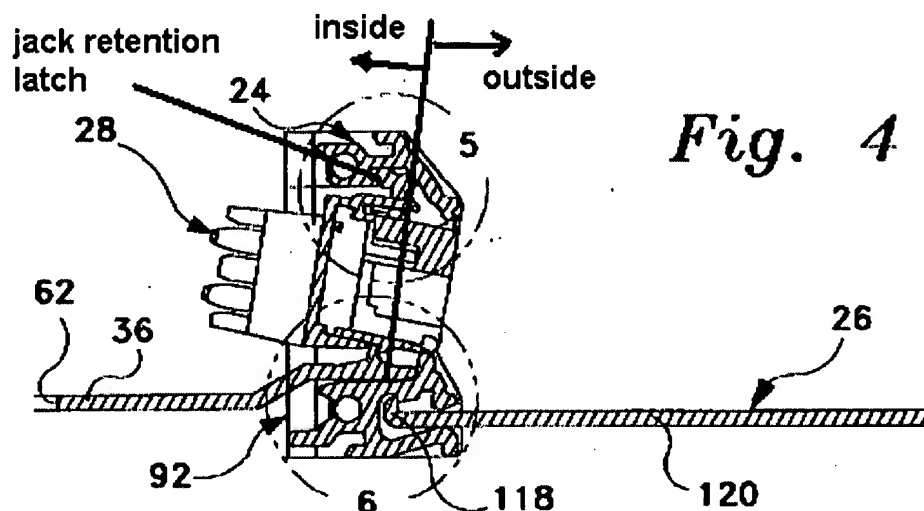
Curry, as modified, discloses substantially the claimed invention except for mounting opening accommodating two jacks. Gutierrez teaches mounting openings

accommodating two jacks in order to simplify the faceplate construction. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to form the mounting openings accommodating two jacks, as taught by Gutierrez, to simplify the faceplate construction.

Response to Arguments

Applicant's arguments filed 04/11/2007 have been fully considered but they are not persuasive.

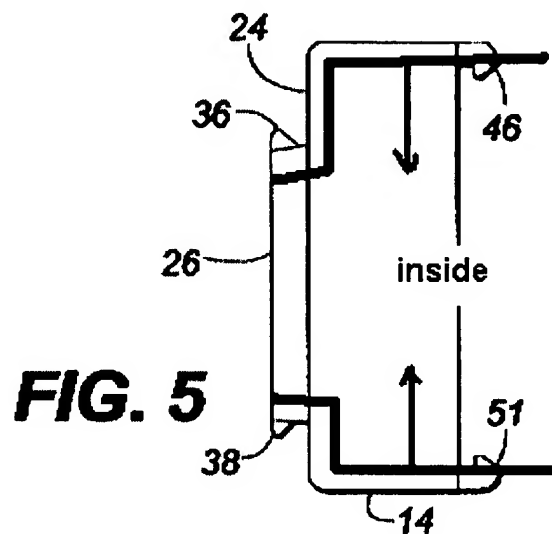
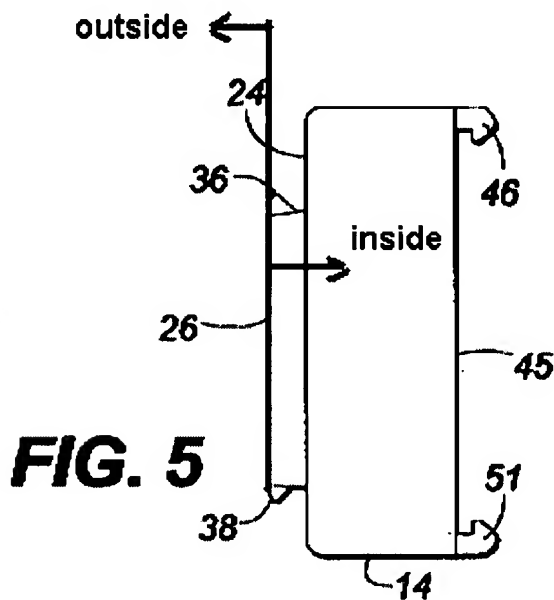
In response to Applicant's argument that Sanchez does not disclose "a faceplate having a plurality of mounting openings and each mounting opening having at least one modular jack retention latch protruding within the mounting opening", please note that element 44 is a retention latch, and protrudes within mounting opening 32. Please note that the mounting opening is not limited to that portion in the front of the jack holder, but it extends backwards from the front face. Additionally, the fact that portion 44 is not part of the jack holder does not preclude it from being a retention latch. Element 44 protrudes within the mounting opening (see following figure).



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Additionally, element 44 retains the modular jack to the faceplate 14, thus it is a modular jack retention latch.

In response to Applicant's argument that Curry does not disclose "apertures (16) having any modular jack retention latches", or "any modular jack retention latches protruding within the mounting openings", please note that Curry show the retention latch (51) protruding within the mounting opening, as the mounting openings extend from the front to the back of the faceplate 14.



In response to applicant's argument regarding Arnett, please the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

In this case, Arnett teaches a faceplate (30) having a mounting opening (16) and the mounting opening having an individual modular jack retention latch (59) to hold the connector secured to the faceplate.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Felix O. Figueroa whose telephone number is (571) 272-2003. The examiner can normally be reached on Mon.-Fri., 10:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley can be reached on (571) 272-2800 Ext. 33. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Felix O. Figueroa/
Primary Examiner
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